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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984



ENROLLED

Com. Sub. for
HOUSE BILL No. 1004

(By ~~Mr.~~ Del. Steptoe & Del. Doyle)



Passed March 8, 1984

In Effect Ninety Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1004

(By DELEGATE STEPTOE and DELEGATE DOYLE)

[Passed March 8, 1984; in effect ninety days from passage.]

AN ACT to amend and reenact section thirteen, article five, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to magistrate courts; the trials, hearings and appeals in and from such courts; prohibiting appeals in criminal cases where a plea of guilty has been entered with representation by counsel; and exceptions.

Be it enacted by the Legislature of West Virginia:

That section thirteen, article five, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5. TRIALS, HEARINGS AND APPEALS.

§50-5-13. Appeals in criminal cases.

1 Any person convicted of an offense in a magistrate court
2 may appeal such conviction to circuit court by requesting
3 such appeal within twenty days of the sentencing for such
4 conviction. The magistrate may require the posting of bond
5 with good security conditioned upon the appearance of the
6 defendant as required in circuit court, but such bond may
7 not exceed the maximum amount of any fine which could be
8 imposed for the offense. Such bond may be upon the
9 defendant's own recognizance. An appeal may be granted by a

10 judge of the circuit court of the county within ninety days
11 from the date of sentencing. The filing or granting of an
12 appeal shall automatically stay the sentence of the magistrate.
13 Trial in circuit court shall be de novo. Notwithstanding any
14 other provisions of this code to the contrary, there shall be
15 no appeal from a plea of guilty where the defendant was
16 represented by counsel at the time the plea was entered:
17 *Provided*, That the defendant shall have an appeal from a plea
18 of guilty where an extraordinary remedy would lie or where
19 the magistrate court lacked jurisdiction.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

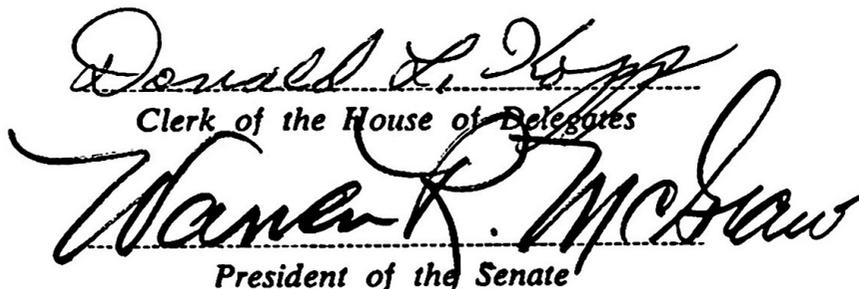

Chairman Senate Committee

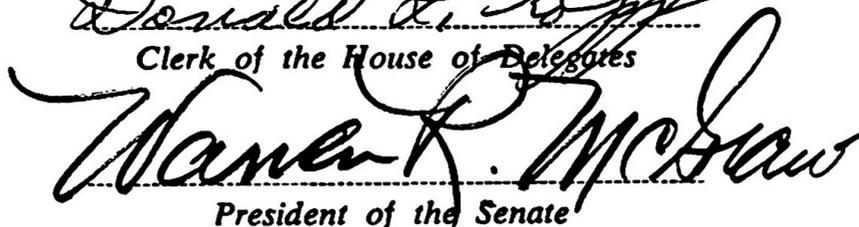

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 30
day of March, 1984.


Governor

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